

**REMARKS/ARGUMENTS**

Claims 1-7, 9-15 and 20-24 are pending in this application. Claims 1 and 9 have been amended. Claim 1 has been amended to recite the specific molecule weight of the organic substance and exclude polymer waxes. Support for the amendment can be found in the specification at page 2, lines 17-24. Claim 9 has been amended for minor editorial purposes, which is supported by the claim and specification as originally filed. Claims 6, 8 and 16-19 were previously cancelled. No new matter has been added.

Applicants wish to thank the Examiner for withdrawing the previous rejections.

Applicants also thank the Examiner for indicating that claims 4, 7, 9, 11-12 and 20-24 are only objected to for depending upon a rejected base claim, but would be otherwise allowable.

Reconsideration of the application is kindly requested in view of the remarks below.

**Rejection under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph**

The rejection of claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is respectfully traversed.

In accordance with the Office's suggestion, the phrase "low molecular weight" has been removed to recite a definite range or limit for the molecular weight, as shown in the above amendment. Therefore, reconsideration and withdrawal of the rejection are requested.

**Rejection under 35 U.S.C. § 102(b)**

The rejection of claims 1-3, 5, 10, 13-15 under 35 U.S.C. § 102(b) as anticipated by WO 00/50473 to Nakata is respectfully traversed.

As the Office is aware, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)).

In the present case, the identical aqueous dispersion in amended claim 1 has not been shown or proven in complete detail in Nakata, since the claimed dispersion presently comprises:

at least one ethylene copolymer wax comprising from 60 to 99.5% by weight of ethylene and from 0.5 to 40% by weight of at least one ethylenically unsaturated carboxylic acid in copolymerized form and also at least one hydrophobic organic substance *having a molecular of up to 2000 g/mol, wherein polymer waxes are excluded as the organic substance.*

Applicants note the Office's assertion that Nakata describes an aqueous dispersion comprising an ethylene-(meth) acrylic and a hydrophobic low molecular weight substance (ammonia or additive). However, Applicants point out that ammonia is not hydrophobic. Moreover, the ethylene-(meth) acrylic acid copolymers described in the reference are not waxes, as evidenced by the MFR (see page 3, line 27), but *high*-molecular weight resins. As such, Nakata clearly does not describe or suggest the claimed invention. Accordingly, reconsideration and withdrawal of the rejections are kindly requested.

In the event the Examiner believes an interview might serve in any way to advance prosecution, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 03-2775.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00109-US from which the undersigned is authorized to draw.

Dated: July 29, 2009

Respectfully submitted,

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